

# Exhibit A

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
INDEX NO. 1:20 Civ.6727 (AJN)

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JEFFREY M. GOLDMAN,

Plaintiff,

vs.

COPY

SOL GOLDMAN INVESTMENTS LLC,  
SOLIL MANAGEMENT, LLC AND  
JANE H. GOLDMAN,

Defendants.

-----X

DEPOSITION OF: JEFFREY M. GOLDMAN

DATE: TUESDAY, AUGUST 17, 2021

1                   So if you could, please -- do you  
2 have a copy of the complaint filed in this action?

3           A.       Which exhibit is it?

4           Q.       Exhibit 1. Okay.

5                   So for the record, we are marking as  
6 Exhibit 1 the first amended complaint filed in this  
7 action on December 3 of last year?

8                   (Whereupon, Exhibit 1 was marked for  
9 identification.)

10                  MR. KIRSCHENBAUM: To be clear, you  
11 are not going to put the exhibit up on the screen?

12                  MR. BAUCHNER: The witness said he  
13 had it.

14                  MR. KIRSCHENBAUM: Okay.

15 BY MR. BAUCHNER:

16           Q.       Are you ready, Mr. Goldman?

17           A.       Yes.

18           Q.       Okay.

19                   Paragraph 2 it says: At 69 years  
20 old, Plaintiff Goldman was one of defendants' most  
21 successful attorneys on a team that represents  
22 defendants in many hundreds of housing court cases  
23 each year?

24                   What facts do you have in your  
25 possession, sir, to support that allegation?

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1           A.           Well, there are numerous cases that I  
2   won for the defendants.

3                    Do you want a list? I don't have a  
4   list, but I know some of them.

5           Q.           Sure, please.

6           A.           Okay. There are many non-primary  
7   residence holdover proceedings, Sandra Bernheck,  
8   (phonetic) she was a tenant leader at 145 West 55th  
9   Street. There was a case against somebody named  
10   Halberson (phonetic) at 1700 First Avenue. There  
11   was another case against somebody named Sund Home  
12   (phonetic).

13                   There was a -- there were many cases.  
14   They don't all come to mind, but, many of them were  
15   upheld on appeal. And if you gave me a minute, I  
16   could probably think of some more, but many, many  
17   cases. They are all recorded. They are of record  
18   in the New York state law reporting service.

19           Q.           And were those all nonprimary  
20   residence cases, sir?

21           A.           No. There were nonpayment  
22   proceedings. There was a case where the  
23   deregulation of an apartment where I got the owner a  
24   three-bathroom, six -- I believe six-room apartment  
25   at 1700 First Avenue in which an attorney,

1 Edward Savage, (phonetic) lived. There were many,  
2 many cases.

3 Recently, they were sued by a tenant  
4 for contempt of court for not making corrections or  
5 violations. That was the Jennifer Fishbein  
6 (phonetic) case, and the judge sided with the  
7 landlord, with my client's -- my former client's  
8 position that the violations had been timely and  
9 correctly -- corrected, and she did not hold the  
10 landlord in contempt. And the landlord's position  
11 was also supported by the New York City department  
12 of Housing Preservation and Development.

13 Q. Were the cases that you named in  
14 response to the initial question nonprimary  
15 residence cases?

16 A. Some of them were. There were all  
17 types of cases. There were nonprimaries. There  
18 were legal sublet cases. There were nuisance cases.

19 I succeeded on a nuisance case  
20 against a rent-controlled tenant, and the person was  
21 evicted. Not only was that a -- just a court  
22 victory for the landlord, but that enabled the  
23 landlord to sell that apartment of former tenant,  
24 John Flynn, (phonetic) for well over a million  
25 dollars. So it is not just getting back the

1 apartment.

2 In that case what was able to be  
3 done, there was a rent-controlled tenant on the east  
4 side where an apartment was rented for 100 -- I am  
5 sorry, on the west side -- where an apartment was  
6 rented for a hundred-something dollars a month by a  
7 rent-control tenant. And on a nonprimary case, we  
8 settled, and the person gave up the apartment. And  
9 the owner then, I believe, represented it to a  
10 consulate for several thousand dollars a month.

11 There was another case against  
12 somebody on 25 West 68th Street.

13 Nancy Lynch, (phonetic) who lived  
14 down in Pennsylvania, we had a nonprimary case. We  
15 went to the appellate term on an interlocutory  
16 appeal that the other side brought which we won.

17 I had a case 235 West 22nd Street  
18 against Olig Enchauff (phonetic) who was living in  
19 Europe somewhere and -- I guess former Soviet  
20 Union -- and we won that case.

21 There was an interlocutory appeal in  
22 which the tenant's attorney claimed we were supposed  
23 to serve him at the Hague in, I guess, Belgium, and  
24 the appellate court sided with us and we then  
25 concluded the trial and we won.

1 I would say percentage-wise, I won  
2 and settled a lot more nonprimaries and holdovers  
3 than were lost.

4 Q. What would that percentage be, in  
5 your estimation?

6 A. At least 80 percent.

7 Q. Oh. Okay.

8 And this is over your 20-year career?

9 A. Yes.

10 Q. What was the name of the consulate  
11 case you mentioned?

12 A. I don't remember the name of the  
13 tenant. It was a Hispanic name as I recall, and he  
14 was in a nursing home.

15 Q. Do you remember the Woodward Levy  
16 (phonetic) case?

17 A. Yes, I do.

18 Q. Was that a win or a loss?

19 A. That was a loss.

20 Q. How about --

21 A. The --

22 Q. The --

23 A. -- in that case.

24 Which case?

25 Q. The Wiseman (phonetic) case?

1 and there is a history of both my father and  
2 grandfather died of heart attacks in their 50s.

3 Q. And what's the blood pressure issue?

4 A. High blood pressure, hypertension.

5 Q. Did you ever contract COVID?

6 A. Not to my knowledge.

7 Q. Are you vaccinated?

8 A. Now I am, yes.

9 Q. Who advised you that these conditions  
10 were potentially life-threatening?

11 A. I called my physician and discussed  
12 it with my physician.

13 Q. And who is that?

14 A. Dr. Doron Katz.

15 Q. And he told you that returning to  
16 the office was life-threatening?

17 MR. KIRSCHENBAUM: Objection.

18 THE WITNESS: That it was risky.

19 BY MR. BAUCHNER:

20 Q. Did he say life-threatening?

21 A. No, I don't believe he used those  
22 words.

23 Q. Then why are they in your complaint,  
24 sir?

25 A. It's high risk for COVID. That was



1     what he told me. I -- I consider that  
2     life-threatening. I understand that quite a few  
3     hundred thousand people have died of COVID, so I  
4     would classify that, from a common-sense  
5     perspective, as life-threatening.

6             Q.       When were you vaccinated?

7             A.       February and March of 2021.

8             Q.       Who vaccinated you?

9             A.       A nurse at a hospital.

10            Q.       Have you been hospitalized over the  
11     past year?

12            A.       No.

13            Q.       Were you hospitalized last year?

14            A.       No.

15            Q.       Have you left your home?

16            A.       Yes.

17            Q.       When was the last time you left your  
18     home?

19            A.       Probably Sunday.

20            Q.       What did you do?

21            A.       I don't remember, but I know I was  
22     outside Sunday.

23            Q.       You were outside Sunday, and you  
24     don't recall what you did two days ago?

25            A.       Probably went swimming.

1 scientific knowledge.

2 Q. Are you refusing to answer  
3 the question; yes or no?

4 MR. KIRSCHENBAUM: Objection.

5 THE WITNESS: I answered the  
6 question.

7 BY MR. BAUCHNER:

8 Q. Mr. Goldman, are you refusing to the  
9 question; yes or no?

10 MR. KIRSCHENBAUM: Jeff, I will allow  
11 you to answer the question again because  
12 Mr. Bauchner is so tough.

13 THE WITNESS: Read the question  
14 again, please.

15 MR. BAUCHNER: It's going to be a  
16 long day at this rate.

17 MR. KIRSCHENBAUM: It's a  
18 self-inflicted wound.

19 (Whereupon the previous question was  
20 read back by the reporter.)

21 THE WITNESS: Yes, my understanding  
22 is that in June of 2020, I was not vaccinated.  
23 After March of 2021, I was vaccinated, and I feel  
24 confident that I can safely swim in a public pool  
25 and I can safely walk in a park.

1 BY MR. BAUCHNER:

2 Q. And you feel confident enough that  
3 you never discussed it with your doctor, correct?

4 MR. KIRSCHENBAUM: Objection.

5 THE WITNESS: Yes, I feel confident.

6 And I want to add something, which  
7 is, as I already answered, I told you my doctor said  
8 I can exercise. So walking and swimming are  
9 exercises.

10 BY MR. BAUCHNER:

11 Q. Do you use the locker room at the  
12 pool facility?

13 A. It's an outdoor pool. There's no  
14 locker room. And I don't use it -- I don't use the  
15 bathroom there. I just swim.

16 Q. So you don't change there?

17 A. No.

18 Q. Do you walk there?

19 A. I drive there in a car.

20 Q. Have you been on the subway in the  
21 past two years?

22 A. No.

23 Q. Have you used any public  
24 transportation --

25 A. Two years would be August of 2019,

1 yes, I was on the subway between August 2019 and  
2 March of 2020.

3 So yes, I was on the subway in that  
4 time period.

5 Q. Have you used any public  
6 transportation since March 15 of last year?

7 A. I believe my last day of work was  
8 March 16 or 17 in the office, so I would have used  
9 public transportation that day or days, whichever  
10 day was the last day.

11 Q. How about after that?

12 A. No, I have not used public  
13 transportation since then.

14 Q. Have you visited with any friends  
15 since March 15 of last year?

16 A. No.

17 Q. Has anyone come to your home other  
18 than your wife?

19 A. No.

20 Q. How many times have you seen your  
21 daughters?

22 A. I saw -- I think I saw them -- one of  
23 them I saw maybe twice, and the other one I saw a  
24 few times more than that.

25 Q. And this is all since March 15 of

1 last year?

2 A. Yes.

3 Q. Did you see them last year?

4 A. The one that lives in New York City I  
5 saw a few times. I brought -- I saw a few times,  
6 yeah.

7 Q. So you have would have seen her  
8 before you were vaccinated, correct?

9 A. I saw her, yeah, before I was  
10 vaccinated.

11 (Background speaking.)

12 BY MR. BAUCHNER:

13 Q. And what is her profession?

14 A. As Jane Goldman just told you, she is  
15 a doctor.

16 Q. Mm-hmm.

17 So what kind of doctor is she?

18 A. She is a radiologist.

19 Q. And so wouldn't she be exposed to her  
20 patients?

21 A. She is sitting in a room reading  
22 X-rays, although she did have COVID patients earlier  
23 in the year.

24 Q. So why didn't your underlying health  
25 conditions impact upon your ability to visit with

1 her when you were unvaccinated?

2 MR. KIRSCHENBAUM: Objection.

3 THE WITNESS: I didn't visit with  
4 her. I brought some things to her apartment, placed  
5 them on the sidewalk, and she retrieved them from  
6 the sidewalk. So if you count that as visit, yeah,  
7 I visited with her. But I didn't go into her  
8 apartment, and I didn't do more than drop off  
9 things, wait for her to pick them up, say hello and  
10 goodbye and leave.

11 BY MR. BAUCHNER:

12 Q. Where is her apartment?

13 MR. KIRSCHENBAUM: Objection.

14 THE WITNESS: In the --  
15 (Reporter clarification.)

16 THE WITNESS: I said in the Bronx.

17 BY MR. BAUCHNER:

18 Q. And how did you get there?

19 A. I drove.

20 Q. You said you visited her multiple  
21 times.

22 What were the other times?

23 A. The same thing where I brought over  
24 stuff, left it, waited for her to come down and get  
25 it.

1 BY MR. BAUCHNER:

2 Q. Do you -- sir, do you have an  
3 understanding as --

4 MR. KIRSCHENBAUM: You can strike  
5 your question, though.

6 MR. BAUCHNER: Please stop  
7 interrupting me, Counsel. Your conduct really is  
8 unprofessional today.

9 MR. KIRSCHENBAUM: My client  
10 testified, and you moved to strike his testimony.

11 MR. BAUCHNER: You need to  
12 understand, Counsel, you are on the record and this  
13 is going to go before the court. So please conduct  
14 yourself appropriately for once.

15 MR. KIRSCHENBAUM: Thanks for the  
16 repeated guidance.

17 BY MR. BAUCHNER:

18 Q. Mr. Goldman, on what basis do you  
19 allege that Solil Goldman Investments is your  
20 employer?

21 A. When I appeared in court, I was  
22 always instructed to say, So-and-so of Counsel to  
23 Judith M. Brener, attorneys for Solil Goldman  
24 Investments, LLC.

25 Q. Sir, how many years have you been

1 practicing?

2 A. Over 40 years approximately.

3 Q. Okay.

4 And you understand the difference  
5 between being employed by someone and representing  
6 them, correct?

7 A. Yes.

8 Q. When you appeared in court, were you  
9 appearing on behalf of the entity as its attorney in  
10 a representative capacity?

11 A. Yes.

12 Q. Okay.

13 So on what basis would that make them  
14 your employer?

15 MR. KIRSCHENBAUM: Objection.

16 THE WITNESS: Solil Goldman  
17 Investments owns all the buildings and owns the  
18 entity that cut the check for my salary, Solil.

19 BY MR. BAUCHNER:

20 Q. Solil Management cut had check for  
21 your salary, correct?

22 A. Right. And it is, in turn, owned by  
23 Solil Goldman Investments.

24 Q. When you go to court and you're  
25 representing an entity, it is not your contention



1 that you are employed by that entity, correct, sir?

2 A. Well, when one is an in-house  
3 counsel, you are wrong. You are representing your  
4 employer. There is a difference when you are an  
5 in-house counsel. So yes, I was representing my  
6 employer.

7 If I worked for Ansell & Grimm and I  
8 represent Jane Goldman, I am representing  
9 Jane Goldman. I'm not representing Ansell & Grimm.  
10 But when I work for Jane Goldman and Jane Goldman  
11 owns a building and I go to court, I am representing  
12 Jane Goldman and I am employed by Jane Goldman, as I  
13 was.

14 Q. And are you, then, employed by that  
15 building as well, sir?

16 A. No, the buildings are basically  
17 nominal LLCs. They are individual partnerships.  
18 They own the deed to the building, but in turn,  
19 every building is owned by Solil Goldman  
20 Investments, LLC.

21 Q. So -- but if you're going into court,  
22 like you said, sir, in an in-house capacity and you  
23 are representing one of those LLCs, wouldn't,  
24 through your own logic, they be your employer as  
25 well?

1 MR. KIRSCHENBAUM: Objection. This  
2 is argument, not factual questions.

3 BY MR. BAUCHNER:

4 Q. You can answer the question.

5 A. I don't know the answer to that  
6 question.

7 Q. Well, this is what you testified to,  
8 that when you go to court as in-house counsel and  
9 you are representing an entity, you are also  
10 employed by that entity, correct; that is your  
11 testimony?

12 A. Yes.

13 MR. KIRSCHENBAUM: Objection. This  
14 is legal argument, not testimony of fact.

15 BY MR. BAUCHNER:

16 Q. You are then representing each of the  
17 LLCs -- or excuse me -- you are then employed by  
18 each of the LLCs that you are representing in court,  
19 correct, in your theory?

20 A. In my theory, I am employed by Solil  
21 Goldman Investments which, in turn, owns each of the  
22 entities. They own 1219 East 69 Street, LLC. They  
23 own 450 East 56th Street, LLC. They own 1700 First  
24 Avenue, LLC, et cetera.

25 Q. Are you also employed by Solil

1 Management.

2 A. Yes.

3 Q. So you have hundreds of employers  
4 based on your theory; is that correct?

5 A. No.

6 MR. KIRSCHENBAUM: Objection.

7 Argumentative.

8 BY MR. BAUCHNER:

9 Q. You are employed by Solil Goldman  
10 because, in your testimony, they are a parent entity  
11 that owns a number of LLCs, all of which you  
12 represent, and therefore would be employing you.  
13 And you are also employed by Solil Management,  
14 correct?

15 A. I am employed -- I was employed by  
16 Solil Goldman Investments, LLC, and Solil  
17 Management, LLC.

18 Q. Did you ever have a paycheck that  
19 said Solil Goldman Investments on it?

20 A. Not to my knowledge.

21 Q. Does your W-2 reflect Solil Goldman  
22 Investments on it?

23 A. Not to my knowledge.

24 Q. Did you ever have a paycheck from  
25 Jane Goldman?

1           A.           I don't remember exactly when I  
2   applied that it was June or July, that's number 1.  
3   Number 2, in your compound question is I probably  
4   identified Solil Management, LLC, as my employer  
5   because that is the entity that issues the paycheck.

6           Q.           Did you start working for Solil  
7   Management in or around June of 2000?

8           A.           I started working for Solil on  
9   June 26, 2000, so --

10          Q.           How old were you?

11          A.           -- so I retired two days before my  
12   20th anniversary with the company.

13          Q.           How old were you at the time that you  
14   started working in June of 2000?

15          A.           I guess I was 49.

16          Q.           Did you ever appear in federal court?

17          A.           A few times.

18          Q.           Did you ever appear in federal court  
19   over the past two years?

20          A.           I'm not sure. I don't think so.

21          Q.           Is there a reason you didn't appear  
22   in federal court?

23          A.           Yes. I -- probably you were  
24   appearing instead of me, your firm.

25          Q.           Is there a reason we were appearing

1 Q. Are you admitted anywhere else to  
2 practice law other than New York?

3 A. Various federal courts in New York.  
4 That's it.

5 Q. So you were responsible for the  
6 litigation that was pursued or defended on behalf of  
7 Solil Management and SGI; is that correct?

8 A. I don't know what you mean by  
9 "responsible."

10 Q. Did you control the litigation that  
11 was --

12 A. No.

13 Q. You didn't?

14 A. I did not control the litigation.

15 Q. Who did?

16 A. Judith M. Brener and Jane Goldman.

17 Q. Do you believe that Jane Goldman is a  
18 micro-manager?

19 A. Yes.

20 MR. KIRSCHENBAUM: Objection.

21 BY MR. BAUCHNER:

22 Q. Why is that?

23 A. I worked previously in-house for  
24 somebody for 9 years who gave me implicit authority,  
25 who hired me, trusted my judgment. Jane Goldman

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1 trusts almost nobody, and is a micro-manager be par  
2 excellence. I asked her -- I asked --

3 (Background speaking)

4 MR. KIRSCHENBAUM: I am sorry. Is  
5 Ms. Goldman testifying here?

6 I'm a little confused. I here a  
7 voice in the background.

8 THE WITNESS: That is Jane Goldman's  
9 voice.

10 MR. BAUCHNER: That is inaccurate.  
11 But go on --

12 MR. KIRSCHENBAUM: Is somebody saying  
13 something on the record in your room? I hear  
14 someone talking loudly while my client is  
15 testifying.

16 MR. BAUCHNER: ---

17 Mr. Kirschenbaum --

18 BY MR. BAUCHNER:

19 Q. Mr. Goldman, do you want to continue  
20 with your answer, or should I go to the next  
21 question?

22 A. I asked Jane Goldman what was  
23 the amount of my authority, and I was told \$300.  
24 And I was told for the most part, any settlement had  
25 to be run by Jane Goldman.

1 MR. BAUCHNER: Please don't interrupt  
2 me, Mr. Kirschenbaum.

3 MR. KIRSCHENBAUM: Too late.

4 BY MR. BAUCHNER:

5 Q. Why didn't you follow up with  
6 Ms. Brener or Ms. Ferrari in the interim week  
7 period, regarding your reasonable accommodation?

8 A. I continued to work from home on the  
9 following Monday and got no negative feedback.  
10 Nobody called me on Monday, June 22  
11 and said; Hey where are you? Or Tuesday, June 23.

12 So I continued to work a pace based  
13 on the note from my physician.

14 Q. So you received no negative feedback  
15 to your request for a reasonable accommodation?

16 A. I received no response period from  
17 Brener or Ferrari.

18 Q. Okay. So the first response -- it's  
19 your testimony, the first response to your request  
20 for a reasonable accommodation came approximately a  
21 week later, when Ms. Goldman called you, correct?

22 A. Yes.

23 Q. What did Ms. Goldman say, when she  
24 called you?

25 A. The exact language I --

1 Q. And do you know that to be accurate,  
2 that information?

3 A. I don't know it one way or the other.  
4 That is what I was told.

5 Q. And you don't know who told you?

6 A. I don't remember who told me. No.

7 Q. Since you have no facts in your  
8 possession to support that, wouldn't it have been  
9 safe for you to return to the office in the absence  
10 of anyone being in the building?

11 A. No. It's not true that nobody was in  
12 the building. People were in the building. Solil  
13 employees.

14 Q. Other than Solil employees?

15 A. The building is not next door to my  
16 house. I would have to traverse from my house to  
17 the building. That is in the public. That's is  
18 where COVID was being spread, in the public by mass  
19 transit.

20 New Jersey Transit conductors died.  
21 Subway conductors died. It's not just a matter of  
22 going into the building. It's at matter of the  
23 whole process.

24 Q. When you dropped off your computer  
25 equipment, how did you get to the building?



1                   It was something to the effect of,  
2 first she congratulated me on the engagement of one  
3 of my daughters. Then she criticized the fact that  
4 I had spent time working on an appellate brief, and  
5 I reminded her that she asked me to appeal that  
6 case, the Levine case and then she went into her  
7 spiel that we had -- I don't remember the exact  
8 words -- we have a pension, you should retire. And  
9 then is she said you are furloughed until court  
10 opens. But fired me by closing off my computer and  
11 cell phone and the like.

12           Q.       Do you recall telling Ms. Goldman she  
13 should fire you, so you can collect unemployment?

14           A.       What I recall is her saying, you  
15 should retire. I said, I am not going to retire.  
16 You'd have to fire me, then I will collect  
17 unemployment. She said something to the effect of,  
18 you won't win that. You never win anything.

19                   I never won any cases for her, that's  
20 why she got back probably 50 or 60 apartments  
21 minimum over 20 years, because I never won any cases  
22 for her.

23           Q.       Anything else from that conversation  
24 that you can recall, sir?

25           A.       No. She hung up on me.